

REMARKS

Claims 1-4, 6-9, 15-22, and 26-28 remain pending in this application. Claims 1, 6, 9, 15, and 20 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-9, 15-16, 20, and 22 under 35 U.S.C. § 102(b) as being anticipated by *Liu* (USP 5,953,005); and rejected claims 1-9, 15-16, 20, 22, and 26 under 35 U.S.C. § 102(b) as being anticipated by *Kajiyama et al.* (USP 6,283,764). Applicants respectfully traverse these rejections.

Applicants wish to thank the Examiner for indicating claims 10-14, 17-19, 21, 23-25, and 27-28 contain allowable subject matter.

Preliminary Comments

In the Supplemental Reply filed August 9, 2004, together with the Reply filed July 19, 2004, Applicants identified claims 1-4, 6-9, 15-22, and 26-28 as the claims remaining pending in the present application. However, in the outstanding Official Action, the Examiner erroneously indicated that claims 1-28 are pending in this application. In reviewing the outstanding rejections, Applicants are unable to discern which claim set the Examiner has examined. It is respectfully requested that the Examiner withdraw the outstanding rejection of claims 1-28 and properly examine

currently-pending claims 1-4, 6-9, 15-22, and 26-28. Should the Examiner reject the currently-pending claims, Applicants respectfully request the Examiner do so in a proper non-Final Official Action in order to afford the Applicants a proper opportunity to respond.

Claim Rejections - 35 U.S.C. § 102 - *Liu*

In the outstanding Official Action, the Examiner rejected the claims as being anticipated by *Liu*, merely asserting "See Figs. 4, 8, 10." Applicants respectfully disagree with the Examiner's assertions.

The disclosure of *Liu* is directed to a system and method for on-line multimedia access. Specifically, at col. 4, line 65 - col. 5, line 8, *Liu* discloses as follows:

After an initial applet is delivered, the multimedia content is delivered upon request, providing that the user has been authenticated. Turning to the flow chart of FIG. 4, when the user clicks on a home page with the browser, a server delivers the most current applet at boxes 84 and 86. After the song selection at box 42 (see FIG. 3) the applet calls back to the database (stored on main server 72 or a subserver) to request audio, video, timing and lyric information at box 88. At box 92, to deliver the content in a synchronized manner, the applet forks threads of control to fetch various data as shown the next boxes, 94, 96, 98, 102 and 104. At box 106, when the data is delivered to the user's computer system, it is assembled and played.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, a data reproducing apparatus for receiving and

reproducing data including event information and time information for executing an event, the data reproducing apparatus comprising a data sorting section for, while referring to time information of each of the plurality of types of data received by the data receiving section, sorting the plurality of types of data based on data type and the time it takes to execute an event of each of the plurality of types of data. *Liu* clearly discloses that timing information is a separate component that is downloaded. There is no teaching or suggestion in *Liu* that is directed to time information of each of the plurality of types of data. Further, there is no teaching or suggestion directed to sorting the plurality of types of data based on data type and the time it takes to execute an event of each of the plurality of types of data. As *Liu* fails to teach or suggest all of the claim elements, it is respectfully submitted that claim 1 is not anticipated by *Liu*.

As the Applicants are unclear as to which claims the Examiner has examined, Applicants are unable to provide any further specific arguments regarding the patentability of the claims. The Examiner has merely asserted that the claims are rejected based upon Figs. 4, 8, and 10. As the Examiner has failed to provide specific citations within the *Liu* reference, in addition to failing to identify which claims elements are taught by specific portions of the *Liu* reference, Applicants cannot adequately respond other than

to indicate that the claims are patentable over the *Liu* reference, at least with respect to claim 1 as noted above.

As the other independent claims contain elements similar to those discussed above with regard to claim 1, Applicants maintain that all of the pending claims are not anticipated by *Liu*.

Should the Examiner, upon examining the currently-pending claims, determine that *Liu* anticipates the pending claims, Applicants respectfully request that the Examiner provide a proper rejection establishing *prima facie* anticipation under 35 U.S.C. § 102 in a new, non-Final Official Action.

Claim Rejections - 35 U.S.C. § 102 - *Kajiyama et al.*

In support of the Examiner's rejection of the claims, the Examiner asserts that *Kajiyama et al.* anticipates the present invention by merely asserting "See Figs. 1, 5." As the Examiner has failed to examine the claims as currently pending, and, as the Examiner has failed to specifically recite which claim elements are taught by which specific citations within the *Kajiyama et al.* reference, Applicants are unable to respond to the outstanding rejections.

Kajiyama et al. discloses a storage medium playback system and method. In *Kajiyama et al.*, each data except music data is stored in files separate from music data as shown in Fig. 5. In order to ensure the synchronization between music data and other data,

another file which describes the correspondence between them is necessary.

Applicants maintain that *Kajiyama et al.* fails to anticipate the present invention as *Kajiyama et al.* fails to teach, for example, a data sorting section for, while referring to time information of each of the plurality of types of data received by the data receiving section, sorting the plurality of types of data based on data type and the time it takes to execute an event of each of the plurality of types of data, as recited in claim 1. Applicants maintain that *Kajiyama et al.* fails to teach or suggest referring to time information of each of the plurality of types of data received by the data receiving section. Further, *Kajiyama et al.* fails to teach or suggest sorting the plurality of types of data based on data type and the time it takes to execute an event of each of the plurality of types of data. As this element is similarly recited in all of the independent claims, Applicants maintain that *Kajiyama et al.* fails to anticipate the pending claims.

Applicants respectfully request that the Examiner examine the claims as currently pending. Should the Examiner maintain his rejection of the pending claims as being anticipated by *Kajiyama et al.*, Applicants respectfully request the Examiner provide Applicants with a proper *prima facie* rejection under 35 U.S.C. § 102 clearly identifying what portions of the *Kajiyama et al.*

reference the Examiner is relying upon in support of his rejection in a non-Final Official Action.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$120.00 in payment of the extension of time fee is attached.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680


MKM/CMV/jdm
3629-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000